

**MINUTES
CITY COUNCIL REGULAR MEETING
MARCH 26, 2013 - 6:00 p.m.**

CALL TO ORDER

The regular meeting of the City Council of the City of Highland was called to order at 6:01 p.m. by Councilman Racadio at the Donahue Council Chambers, 27215 Base Line, Highland, California.

The invocation was given by Councilman Racadio and the Pledge of Allegiance was led by Boy Scout Joseph Bocanegra.

ROLL CALL

Present: Racadio, Scott, Timmer
Absent: Lilburn, McCallon

REPORT FROM CLOSED SESSION

No Closed Session was held

SPECIAL PRESENTATIONS

None

PUBLIC COMMENT

Mr. Larry Wilke stated he would like to speak about the 2010 flood in Highland and he lives right above Highland Avenue. For some reason National Flood Insurance ranks from low to high and they are at the highest rate due to their not being able to come inspect their home and the area. After Hurricane Sandy, he thought to check into flood insurance again. He tried to contact his Congressman, Senators, Assemblyman but no one seems to have knowledge on how to obtain the National Flood Service to respond. For most people in Highland flood coverage is approximately \$800, and above Highland is \$2,500, so this is a huge difference in price because it is not rated. He would like to inquire if Public Works Director/City Engineer Wong could have the area rated so his rate could be reduced?

Public Works Director/City Engineer Wong stated a large part of the City actually has not been mapped by FEMA. It does not mean the area is in the flood zone, it just means FEMA has not studied it and that area is about halfway between Base Line and Boulder Avenue. This area has not been identified as any special flood zone, so homeowners are not required to purchase flood insurance. The fact that FEMA did not study that large area is because they feel it is not a flood hazard area. We can request for FEMA to come out but they would probably use their resources to study the areas they feel need to be studied, and not in the areas they feel are not in a problem area. Although there is a mechanism to request for FEMA to look into this area, staff is not optimistic they will agree to study the area.

CITY COUNCIL CONSENT CALENDAR

A MOTION was made by Councilman Timmer, seconded by Councilwoman Scott, to approve the consent calendar as submitted and with Councilwoman Scott abstaining from Item #2. Motion carried on a roll call vote, 3-0, with Mayor McCallon and Mayor Pro Tem Lilburn being absent.

1. Waive the Reading of All Ordinances
Waived the reading of all Ordinances in their entirety and read by title only.
2. Minutes – March 12, 2013 City Council Regular Meeting
Approved the Minutes as submitted.
3. Claim Consideration – Rico Enriquez
Rejected claim.
4. Warrant Register
Approved Warrant Register No. 559 for March 26, 2013, in the amount of \$2,110,022.79 and Payroll of \$72,142.99.
5. Declaration of Two Vacant Seats on the Planning Commission
 1. Declared two seats vacant on the Planning Commission; and
 2. Directed the City Clerk to advertise the vacancies on the Commission.

CITY COUNCIL PUBLIC HEARING

No Public Hearing

CITY COUNCIL LEGISLATIVE

6. Support the CEQA Working Group for CEQA Reform

Community Development Director Jaquess gave a brief review of the staff report.

Councilwoman Scott stated she has a concern due to any time the Government changes something to make it better, they really mess it up and it is worse than it was to begin with. She is all for CEQA cleaning up, but it will not have any effect on BPA.

A MOTION was made by Councilwoman Scott, seconded by Councilman Timmer, to authorize the Mayor to send an open letter to the Governor and Legislature to support CEQA modernization as recommended by the CEQA Working Group. Motion carried, 3-0, with Mayor McCallon and Mayor Pro Tem Lilburn being absent.

7. Planned Closures of the San Bernardino County Superior Courts of Barstow, Big Bear Lake and Needles

City Clerk Hughes gave a brief review of the staff report.

A MOTION was made by Councilwoman Scott, seconded by Councilman Timmer, to authorize the Mayor to send a letter of support regarding Hesperia's request for the City's support on opposing the closure of superior courts. Motion carried, 3-0, with Mayor McCallon and Mayor Pro Tem Lilburn being absent.

8. League of California Cities (LOCC) – Proposed Amendments to League's Bylaws

City Clerk Hughes gave a brief review of the staff report.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to support the proposed amendments. Motion carried, 3-0, with Mayor McCallon and Mayor Pro Tem Lilburn being absent.

9. SB 135 (Padilla) – Earthquake Early Warning System

City Clerk Hughes gave a brief review of the staff report.

Councilman Timmer stated he has read through the material looking for what the projected costs would be, and there was no fee listed. He cannot support something with no costs listed.

Councilwoman Scott stated she had the same concern. She does not believe it and unless she sees cost figures, she cannot support it.

Councilman Racadio stated he thinks it looks good but what is the cost associated with it and what cuts will be done to do this? He agrees not to support it.

NO MOTION was made; item has died.

10. Change Order Authorization and Contract Amendment for Base Line Town Center Beautification (Cole Avenue to State Route 210)

Public Works Director/City Engineer Wong stated gave a brief review of the staff report. Staff is requesting approval to amend two contracts; one is the construction contract and then also to amend the contract with the engineering firm who provides for construction engineering. There are a couple of items which were a part of the original project cost, but the work was not included in the project. For example, item #3, decorative street lights, these street lights were included in the bid to be constructed by the City's contractor. However, after the bid we were notified by Edison that we cannot have the contractor install the lights. Street lights must be installed by Edison.

Councilwoman Scott stated the street light end of it actually is not a part that will be going to bid and so it would actually be going to Edison.

Public Works Director/City Engineer Wong stated correct. Edison is going to charge more than our contractor. Then Item #6 is the landscape median has a median lighting system, and we had a separate electrical firm who designed this system, and our civil engineering firm is supposed to gather all the different plans from different consultants and package it to get it out. Unfortunately, this packaging left out this electrical plan so therefore the bid package did not have the amount in it. This was discovered after the bid and it was negotiated with the contractor to add this back on to the contract and add approximately 6.5% to project costs.

Councilwoman Scott asked is this a necessary cost.

City Manager Hughes stated this was always included as part of the plan and was approved the Planning Commission and the City Council. It was approved as is, just when it went out to bid there were three sheets that were not included.

Councilwoman Scott asked what kind of lighting is the median going to have. Is it going to poles or what?

City Manager Hughes stated it is a combination of street lights and the up-lighting illuminates the landscaping.

Councilwoman Scott asked and we need the street lights up above as well as the street lights over on the sidewalks?

Public Works Director/City Engineer Wong stated it would be the median lights and parkway lights.

Councilwoman Scott stated she thinks this is an unnecessary expense. We are changing things anyway so let's cut this out.

Assistant Public Works Director Zamano stated a photo metric was done and it established the right illumination that was required to light up the street.

Councilwoman Scott stated if we install the lights there as well as on the side streets, that's more lighting that we have to pay and then we have the lights on the ground in the medians, that is extra care with landscape maintenance. It's the upkeep of these medians that will cost so much. We put these medians in and it's going to be the upkeep over the years.

Councilman Timmer stated he thinks the up-lighting is not only for the illumination but it is for the aesthetics as well.

Councilwoman Scott stated from City funds alone we have almost \$2 million into this and everyone knows how she feels about these medians. She gets at least three calls a day, and she can save some time, she does not think there will be a quorum because she is going to vote no.

City Manager Hughes stated then this item will be continued to the next Council meeting.

Councilman Timmer asked can't we take action on the items minus the one item so the contractor can move forward? Edison is going to have to engineer this item and the project will just sit and take longer. We can bring Item #6 back to the next Council meeting.

A MOTION was made by Councilman Timmer, seconded by Councilman Racadio, to approve items with the exception of Item #6.

1. Authorize contract change orders up to 25% of the original amount of construction contract with Sequel Contractors, Inc., for the Base Line Town Center Beautification Project; and
2. Approve amendment to the Professional Services Contract with Willdan Engineering for construction management services in an amount not to exceed \$49,172.

Motion failed, 2-1, with Councilwoman Scott dissenting, and with Mayor McCallon and Mayor Pro Tem Lilburn absent.

Councilwoman Scott stated she cannot support it; the whole item needs to be brought back to Council.

Councilman Racadio asked if this will extend the life of the project.

Public Works Director/City Engineer Wong stated it was hoped the project would be done by the Fourth of the July parade.

Assistant Public Works Director Zamano stated when we do not give the direction to the contractor to keep things going there are some critical pads on here that we need to continue with in order to keep the project moving forward.

11. Update on SANBAG, SCAG, Omnitrans, Work Program and Regional/Legislative Issues/Development Issues/Subcommittees/AB 1234 Updates

Councilman Racadio stated he attended the 2013 City County Conference in Lake Arrowhead.

12. San Bernardino International Airport Authority and IVDA

None

ANNOUNCEMENTS

March 30
April 2-5

Citrus Harvest Festival
Public Safety Appreciation Week

City Attorney Steele stated the Ninth Circuit Court of Appeals upheld the City of Lancaster's invocation policy against the challenge from the American Civil Liberties Union and holding the non-sectarian and policy of inviting all members of the faith community in Lancaster to take their turn in providing an invocation before the start of City Council meeting did not violate the establishment clause of U.S. Constitution and allowing the policy to continue.

CLOSED SESSION

None

ADJOURN

There being no further business, Councilman Racadio adjourned the meeting at 6:37 p.m. in memory of Gladys Lyman, Warner Hodgon and Duane Mellinger.

Submitted By:

Approved By:

Betty Hughes, MMC
City Clerk

Larry McCallon
Mayor